Remarks

The Examiner rejected claims 1-4, 7, 18-20, 17-28, and 30-31 as being antici-
pated under 35 USC § 102 by U. S Patent No. 5,775,005 to McClelland ("McClelland")
and claims 5,6,21 and 22 under 35 USC § 103 as being obvious in view of McClelland
over Design Choice. Due to the foregoing amendments and following remarks, these
rejections should be withdrawn.

All claims require an opening that is unobstructed in a location at least partially
defined by a bottom perimeter of the plug and a distance between the bottom perime-
ter and the outer surface of the outsole.

McClelland does not disclose an opening unobstructed in this location and further
teaches away from having such an unobstructed opening. McClelland's windows 34, 36
are not only taught to be placed in the opening between the cushions 30, 32 (what the
Examiner equated to be Applicant's plug) and the outer surface of the outsole, they are
required to be placed in these locations to create a cushioning action by flexing up-
wardly against the cushions 30, 32. See col. 2, line 60 to col. 3, line 10. Hence,
McClelland teaches away from Applicant's claimed opening that is unobstructed in a lo-
cation at least partially defined by a bottom perimeter of the plug and a distance be-
tween the bottom perimeter and the outer surface of the outsole.

Because McClelland fails to disclose an opening unobstructed in a location at
least partially defined by a bottom perimeter of the plug and a distance between the
bottom perimeter and the outer surface of the outsole, all limitations of Applicant's
claims are not anticipated and Applicant respectfully requests the rejections under 35
USC § 102 be withdrawn.

Respectfully submitted,

Gene S. Winter, Registration No. 28,352
David Chen, Registration No. 46,613
Attorneys for Applicant
ST.ONGE STEWARD JOHNSTON & REENS LLC
986 Bedford Street
Stamford, CT 06905-5619
203 324-6155